

**CITY OF CLEWISTON**  
**Regular Commission Meeting**  
**February 5, 2018**

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The City of Clewiston City Commission held its regular Commission Meeting in the City Hall Commission Chambers Monday, February 5, 2018. The meeting was called to order at 5:30 p.m. by Mayor Gardner. The audience joined in reciting the Lord's Prayer and Caleb Iglesias led the audience in reciting the Pledge of Allegiance.

**Commissioners Present:** Mayor Mali Gardner, Vice Mayor Michael Atkinson, Commissioner Kristine Petersen, Commissioner Julio Rodriguez and Commissioner Phillip Roland.

**Personnel Present:** Interim City Clerk Mary K. Combass, Finance Director Shari Howell, Police Chief Aaron Angell, Public Works Director Sean Scheffler, Utilities Director Danny Williams, Code Enforcement Officer Debbie McNeil, Compliance Manager Lynne Mila, City Engineers Tommy Perry and Scott Jones and City Attorney Gary Brandenburg.

**Visitors Present:** Donnie Hughes, Ramon Iglesias, Caleb Iglesias, Asa and Betty Godsey, Andy Tilton, Chris Felker, Jerry Cochran, Jimmy Pittman, Dr. Leonard Carroll, Dr. Kevin Van, Dr. Andy Van, Amy Van, Raul Zaldina, Ninette Aker and Raoul Bataller.

**CALL MEETING TO ORDER**

**PRAYER AND PLEDGE OF ALLEGIANCE**

**ADDITIONS/DELETIONS/CHANGES AND APPROVAL OF THE AGENDA - none**

**1. Consent Agenda**

A. *Commission Meeting Minutes – January 22, 2018*

**Vice Mayor Atkinson made a motion, seconded by Commissioner Petersen, to approve the Consent Agenda. Vote 5 yeas, 0 nays**

**PUBLIC HEARING**

**2. PUBLIC HEARING - Ordinance No. 2018-01 – Final Reading –** Ordinance 2018-01 revises Article III of the City's Code of Laws and Ordinances modifying the City's purchasing procedures.

Mayor Gardner summarized and read Ordinance No. 2018-01 by title. She stated that official notice of the public hearing was advertised accordingly and opened the public hearing. Finance Director Shari Howell addressed the Commission and stated that staff would like to add an additional phrase to the ordinance to ensure that items could also be procured through contracts awarded by governmental associations. Attorney Brandenburg stated that he feels it is a good change. As there were no further comments, Mayor Gardner declared the public hearing closed.

**Vice Mayor Atkinson made a motion, seconded by Commissioner Roland, to approve Ordinance No. 2018-01 with the requested change by Finance Director Shari Howell and authorize the Mayor to sign. Vote 5 yeas, 0 nays**

**MISCELLANEOUS ACTION AND DISCUSSION ITEMS**

**3. RFQ No. 2018-01 - Request for Qualifications for Professional Services including engineering, inspections, surveying, mapping, groundwater, surface water, water quality, utilities, land planning, land development, landscape architect, transportation/traffic; for multiple continuing contracts for three (3) years, with the**

**potential of 2 one-year renewals** - The City advertised RFQ No. 2018-01 and six (6) submittals were received and opened on January 16, 2018 at 2:00 p.m.

Mayor Gardner stated that staff has rated the submittals and provided a rating sheet to the Commission. She then read a portion of the City's Charter regarding the City Engineer. Commissioner Petersen expressed that she does not want to deviate from the Charter and feels that Johnson-Prewitt & Associates, Inc. has the history for longevity of projects and changes that have been made and if that history is lost she does not know how much we would have to pay for that. She feels they have been responsible in the projects they accept and their door is always open. She stated that she would like to see the contract renegotiated so there is a clearer understanding of responsibilities and expectations. She also stated that other cities were not happy after going with another firm and encouraged that we be careful in moving away from what we have enjoyed.

Commissioner Petersen made a motion, seconded by Vice Mayor Atkinson, to renegotiate the contract and retain Johnson-Prewitt & Associates, Inc. as the City Engineer on record.

Commissioner Rodriguez stated he is in favor of changes and suggested that we have a library of engineers. Attorney Brandenburg stated the City's Charter states one City Engineer be designated but other special engineers could be named. Commissioner Rodriguez stated he would like to hear from the two local engineering firms that were in attendance. Attorney Brandenburg confirmed the engineers could address the Commission if that is what the Commission wished. Mayor Gardner announced that if any other firms that provided submittals were in attendance, they were also welcome to speak. Andy Tilton of Johnson Engineering, Inc. expressed that he feels his firm can bring expertise to the table that is not available with the current engineer and asked for the opportunity to provide services to the City. City Engineer Tommy Perry of Johnson-Prewitt & Associates, Inc. addressed the Commission next and stated that Scott Jones works primarily on City projects and he feels as a team they put out a very strong product and back away from projects when they feel they are not qualified. Commissioner Petersen stated that she still stands by her motion. She added that she believes collaboration is necessary and feels the contract could be written so that projects could be assigned. Attorney Brandenburg explained that if the Commission selected special engineering firms at this time, they would not have to go out for an RFP each time a project needed to be assigned. Vice Mayor Atkinson asked if the special engineer could do the same service as the City Engineer. Attorney Brandenburg explained that the City would decide on a case by case basis who would do the project. He added that the Commission ultimately has the say on who would do the project. Commissioner Rodriguez stated that he will not support the motion; he would like to select Johnson Engineering as the primary engineer. He feels it is time for a change. Commissioner Petersen stated that she feels it is important to have access to the infrastructure information. Mayor Gardner stated that a new contract is needed and asked if we want to continue in light of issues that have come up within the past two to three years. She feels this is an opportunity for the City to say that we are not going to accept losses or delays that have happened. Commissioner Roland stated that he feels it is important that the engineer works at the discretion of the Commission. He also stated he feels if Johnson-Prewitt failed in their work, the City failed in leadership; part of the blame is the City's. He further stated that he feels it is the Commission's responsibility to address any issues with the engineers. Commissioner Rodriguez stated that he can't take the blame and feels it is the manager's responsibility to address the issues with the engineer. Vice Mayor Atkinson stated that he would like the contracts to have the potential of 1 three-year renewal rather than 2 one-year renewals. Attorney Brandenburg confirmed the Commission could make that change. Commissioner Petersen agreed to the proposed modification by Vice Mayor Atkinson.

**Commissioner Petersen amended her motion, seconded by Vice Mayor Atkinson, to renegotiate the contract and retain Johnson-Prewitt & Associates, Inc. as the City Engineer on record for the continuing contract for three (3) years, with the potential of 1 three-year renewal. Vote 3 yeas, 2 nays (Mayor Gardner and Commissioner Rodriguez voted nay)**

Before the vote, Mayor Gardner stated the City Engineer is the expert and is relied on to give the Commission advice and to make sure that the City is doing everything accordingly. She

also stated there has been a need for other engineers to help out on projects and feels it is time to make some changes.

After the vote, Mayor Gardner asked if there is a motion to appoint special engineers.

**Commissioner Petersen made a motion, seconded by Vice Mayor Atkinson, to appoint Johnson Engineering and McCafferty Brinson Consulting as special engineers to the City of Clewiston. Vote 5 years, 0 days**

**4. Reappointments and Resignations of Members of City Volunteer Boards**

**A. Reappointment and Resignation of Clewiston Library Advisory Board Members –** The Clewiston Library Advisory Board consists of seven members. Beverly Dierks has submitted her resignation. The members for consideration of reappointment are Toni Couse, Michael Galassini, Frank Harris and Mary Thomas for seven (7) year terms.

**Commissioner Petersen made a motion, seconded by Commissioner Roland, to accept the resignation of Beverly Dierks and approve the reappointment of Toni Couse, Michael Galassini, Frank Harris and Mary Thomas to the Clewiston Library Advisory Board. Vote 5 years, 0 days**

**B. Reappointment of Community Redevelopment Agency Advisory Committee (CRAC) –** The CRAC consists of seven members. The members for consideration of reappointment are Barbara Edmonds, Scott Jones and Luis Vallejo for three (3) year terms.

**Vice Mayor Atkinson, made a motion, seconded by Commissioner Petersen, to approve the reappointment of Barbara Edmonds, Scott Jones and Luis Vallejo to the Community Redevelopment Agency Advisory Committee. Vote 5 years 0 days**

**C. Reappointment of Planning and Zoning Board Members –** The Planning and Zoning Board consists of five members. The member for consideration of reappointment is Haitham Kaki for a two (2) year term.

**Vice Mayor Atkinson, made a motion, seconded by Commissioner Petersen, to approve the reappointment of Haitham Kaki to the Planning and Zoning Board. Vote 5 years 0 days**

**D. Resignation of Board of Building Commissioners Member –** The Board of Building Commissioners consists of three members. Tommy Perry has submitted his resignation.

**Vice Mayor Atkinson made a motion, seconded by Commissioner Roland, to accept the resignation of Tommy Perry from the Board of Building Commissioners. Vote 5 years, 0 days**

**5. Appointment of New Board of Building Commissioner Member –** The Board of Building Commissioners consists of a City Commissioner and two persons primarily engaged in building construction work. The Board has a vacancy due to the resignation of Tommy Perry. Jose B. “Pepe” Lopez has applied for the vacancy and appears to be qualified for the position.

**Commissioner Roland made a motion, seconded by Commissioner Petersen, to appoint Jose B. “Pepe” Lopez to fill the vacancy on the Board of Building Commissioners. Vote 5 years, 0 days**

**PUBLIC COMMENTS –** Mr. Ramon Iglesias addressed the Commission and presented an award to the City that Roland and Mary Ann Martin Marina received for hosting the 2018 FLW event. He stated the Marina feels the City is responsible for part of the success of the event. Mayor Gardner stated the Marina and the City did a fabulous job on the FLW event and she is thankful that the FLW has come to Clewiston over the years. She also congratulated Mary Ann Martin’s and Ramon Iglesias’ efforts for the Pan Am event. Mr. Iglesias stated they are trying to make bass fishing an olympic sport and feels that it is an honor that they were asked to hold the first event. He also stated everyone was impressed with the City staff and the renovations to John Boy Auditorium.

Mr. Jerry Cochrane addressed the Commission and expressed his concern regarding code violations. He stated that it seems the violations are getting worse and asked if a part time assistant in code enforcement could be hired. He also expressed his concerns regarding the actuarial report for the City's pension plan. Mayor Gardner asked Mr. Cochrane to put his comments in writing in an email to the Finance Director.

Dr. Leonard Carroll addressed the Commission next and expressed his concern regarding the parking issue on Bond Street. He stated the alley from Bond Street to Central Avenue is now blocked and asked if there are any plans for parking in that area. Mayor Gardner stated that she has not yet heard back from City Manager Perry and Community Development Director Reese regarding the issue of the removal of public parking on Central Avenue and agreed a better solution was needed. Dr. Kevin Van addressed the Commission and explained that the parking was important to him when he bought the Theater building. He stated that he was in negotiations with the City to help develop the parking area behind the theater building and when he was informed there was no money to help, he secured the funds to move forward to develop the parking area. He also stated that after the construction, he observed employees and customers of the other businesses parking there and it got to a point that it was a sense of entitlement, so he decided to put up a chain to control the parking. He expressed that he wants the area to be something that we can be proud of but not at his expense only; he feels we should come up with a solution that is fair and acceptable to all parties. Mayor Gardner stated that she will make sure that a meeting is set up with the Building Official, City Manager, herself and Dr. Van next week. She also suggested that Dr. Van talk to the other property owners in the area to work out a solution. Dr. Van noted that he is looking at putting in another business in the Happy Chef building and stated that he will also need parking for that business. The Commission agreed they were all in favor of seeking a solution. Dr. Carroll requested that Dr. Van's employees park in his lot to help clear Central Avenue and added that he helped pave part of the lot on his side and has suggested that he is willing to rent space on a continual monthly basis and help with the maintenance fee. Dr. Van said his staff does not park on Central Avenue. Mr. Jimmy Pittman addressed the Commission and stated that they would also like to be involved in the meeting process with Dr. Van and Dr. Carroll to help resolve the parking issue.

Mr. Raoul Bataller addressed the Commission and expressed that he feels the City has the worst managed government in the last twenty-five years of any other governments around. He stated that he feels the City needs a manager that takes responsibility.

**COMMENTS FROM CITY MANAGER - none**

**COMMENTS FROM THE CITY ATTORNEY - none**

**COMMENTS FROM THE CITY COMMISSION** – Commissioner Roland stated that Attorney Brandenburg has secured an attorney to review the contract with FMPA. Attorney Brandenburg agreed and stated the attorney will review the contract from a legal perspective only. Commissioner Roland explained that the City is under a 30 year contract with FMPA and feels now there is a possibility to negotiate with them and asked the Commission to ask Attorney Brandenburg to talk to FPL to see what the City's options are. Mayor Gardner stated that the City has a very extensive review of the deal with the sale of Vero Beach at this time and does not feel that now is the time to negotiate. She also stated that staff is having conversations with FPL about other issues with utilities. She encouraged the relationship with FMPA and the benefits of it and expressed that she feels that it is not in the best interest of the City to mix that with the sale of Vero Beach. Commissioner Rodriguez stated that he is in favor of researching the matter and does not see a problem with negotiating better rates like Commissioner Roland wants to do. Utilities Director Danny Williams confirmed the residential rates are down but the commercial rates are not. Mayor Gardner stated that conversations are needed with City staff, the City attorney and FMPA. She asked each Commissioner to let Utilities Director Williams know if they would like to meet one on one with FMPA before the next Commission meeting. She noted that FMPA is also working on an economic development rate for growth.

Vice Mayor Atkinson asked if there was an update on the plans for the police department. Police Chief Aaron Angell stated that he received the 50% plans from the architect today and should have the complete plans by the end of this month at the latest. He also stated the architect assured him that he is working as fast as he can.

Commissioner Roland asked that the police officers remove the advertisements from the stop signs.

Mayor Gardner stated that she feels that it is time for the City Charter to be reviewed and asked each Commissioner to name someone they would like to see on the Charter Review Committee at the next meeting. She also asked Interim City Clerk Combass to check on the requirements to have a proposed amendment on the November 2018 ballot.

Mayor Gardner then asked Code Enforcement Officer Debbie McNeil to share what she has been working on with the Commission. Officer McNeil stated that in relation to the driveway apron issue, she has been making rounds looking at each and every residential and commercial driveway to see if they are in need of repair in addition to complaint led violations and tasks she does on a regular basis. Mayor Gardner stated that she would like the Commission to give the City Manager direction to have magistrate hearings more often but would like the City Manager and Officer McNeil to make the decision on whether the hearings should be held every month or every other month.

## **ADJOURNMENT**

The meeting was adjourned at 7:08 p.m.

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Mali Gardner, Mayor

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Mary K. Combass, Interim City Clerk